

Appl. No. 10/035,726
Atty. Docket No. 8773
Amdt. dated 12/19/2003
Reply to Office Action of 11/04/2003
Customer No. 27752

REMARKS

Claims 1-6, 9-12, 15 and 16 are rejected under 35 USC §102(b) over Hill et al. (2,803,041). Claim 1, as rejected, recited a die for extruding material therethrough and having first, second and third die inlets, each 1) having first, second and third die inlet sizes respectively, 2) being unequally spaced from an *adjacent* die inlet, whereby 3) at least two banks of die inlets have a different number of the die inlets.

The Office Action correctly states that the inlets must have a difference "in at least one of these properties, sizing being only one of such properties." Applicants respectfully concur.

However, the Office Action states that first, second and third inlet sizes may be dimensionally the same. Applicants respectfully agree. Claim 1, as presented, specifically recited a *difference* in die inlet size. However, to expedite prosecution on the merits, Claim 1 is amended to recite the first, second and third inlet sizes are *mutually different*. Basis is found in Claim 8, wherein a first size and a second size are recited as being different. Claim 8 is canceled accordingly. Accordingly, Applicants respectfully submit such difference in die inlet sizes distinguishes over Hill et al.

Regarding the second property (spacing), the Office Action states that the spacing between Hill et al. inlets 24,26 and inlet 16 is different than the spacing between 24,26 and a second inlet 24,16. Applicants respectfully agree. However, Applicants further respectfully note that Claim 1, as previously presented, require the die inlets to be spaced from an *adjacent* die inlet. Die inlets 24,26 *are not spaced from* die inlet 16, i.e., they are *not adjacent*. Instead, Hill et al. die inlets 24,26 *intersect* die 16. Accordingly, the Hill arrangement clearly falls outside the claim scope requiring *adjacent die inlets to be spaced* from each other. Further review of Hill et al. shows all of the adjacent die inlets 24,26 are equally spaced from each other and outside the claim scope. Hill et al. cannot anticipate this property of the claimed invention as it does not have the required geometry.

Regarding the third property (the two blanks have a mutually different number of die inlets), without agreeing to the Examiner's interpretation, this property has been canceled to expedite prosecution on the merits. Accordingly, Claim 1 now recites two properties, neither being found in the prior art.

Claim 10 is said to not be allowable because the limitations of energy transmission without admitting material were process limitations. Without agreeing to the Examiner's position, Claim 10 is amended to recite such limitations in structural form. Accordingly, the


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Examiner is respectfully requested to reconsider and withdraw this rejection. The key limitation of Claim 10 is that the insert tube is "substantially transparent to the transmission of energy therethrough." Applicant respectfully notes such limitation has already been examined and found to be allowable in dependent Claim 13. No new limitations are added and, therefore, no further search by the Examiner is required.

Claim 13 is amended hereunder to be in independent form while retaining the limitation of an insert tube substantially transparent to the transmission of energy therethrough.

The Examiner is respectfully requested to reconsider and allow all claims remaining in the application.

Respectfully submitted,

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